

**GOVERNOR'S OFFICE OF EMERGENCY SERVICES
NOTICE OF PROPOSED RULEMAKING**

**CALIFORNIA CODE OF REGULATIONS
TITLE 19. PUBLIC SAFETY
DIVISION 2. OFFICE OF EMERGENCY SERVICES
CHAPTER 2. EMERGENCIES AND MAJOR DISASTERS**

The Office of Emergency Services (OES) proposes to revise the regulations as described below after considering all comments, objections and recommendations regarding the proposed action.

Proposed Regulatory Action

The OES proposes to amend portions of Title 19 Regulations Sections 2510, 2520, 2530, 2540, and 2550 of the California Code of Regulations (CCR). These sections govern the California Hazardous Substances Incident Response Training and Education program. This action adds applicable sections of the regulations concerning new courses, revises course instruction and administration procedures, revises instructor certification requirements and incorporates the new Plan of Instruction and Student Notebooks by reference.

Public Hearing

The OES has not scheduled a public hearing on this proposed regulation package, however, the OES will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

Written Comment Period

Any interested person, or his or her authorized representative, may submit written comments by US Postal Service mail, e-mail or fax, relevant to the proposed regulatory action to the OES. The written comment period closes at 5:00 PM on December 18, 2006. The OES will consider only comments received at the OES offices by that time. Submit comments to:

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California Specialized Training Institute
Governor's Office of Emergency Services
P.O. Box 8123
San Luis Obispo, CA 93403-8123

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e-mail: Michael.Brady@oes.ca.gov

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Authority and Reference

Government Code Section 8574.20(a) authorizes the Governor's Office of Emergency Services to adopt regulations necessary to implement the California Hazardous Substances Incident Response Training and Education Program as described in Government Code Section 8574.19(c).

Informative Digest Policy/Policy Statement Overview

The current regulations under Title 19 CCR Sections 2510, 2520, 2530, 2540 and 2550 provide a framework and uniformity for the training, certification and maintenance of instructors and curriculum. State law sets the minimum standards of instructional competence to be delivered and maintained. By requiring measurable competence and monitoring and maintaining the instructional support structure, the Office of Emergency Services assures a high level of instructor competence and course delivery.

The proposed revisions to existing regulations are intended to refine, fine tune and enhance the quality of the delivered training. These revisions include a variety of corrections, deletions and rearrangements of existing courses, and the addition of several new courses. These changes are based on peer reviews, changes within the industry, instructional experience, feedback from students, changes in Occupational Safety and Health (OSHA) law and other accepted trade standards. As an example; OES, the Commission of Peace Officer Standards and Training (P.O.S.T., the California Department of Justice), the Federal Office of Domestic Preparedness, (Grants and Training), Cal-OSHA. and the target agencies, determined that Law Enforcement has a role in terrorism incidents that places field officers at a greater risk of exposure to chemical - biological, and radiological agents, than previously anticipated. OES developed a new course to address these needs. In addition, OES also developed an instructor training course to allow individual agencies and departments to provide in-house training. Both the course and instructor training requirements are included in the new proposed changes.

Government Code Section 8574.20 authorizes OES to develop curriculum, establish minimum standards for instructors, train and certify instructors, approve classes, certify students, and review and revise the program. This regulatory action modifies the existing regulations in Chapter 1, Division 2, Title 19 of the California Code of Regulations. The following is a summary of the proposed major changes:

Additions:

§2510 Definitions:

Added (g), (h) and (i)

§ 2520 Student Certification Curriculum:

1. Added new titles and updated reference texts to sections (k), (l) and (n)
2. Added new course: Assistant Safety Officer/instructor requirements.
Section (r)
3. Added new course: Hazardous Materials/Weapons of Mass Destruction: First

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Responder Operations, Emergency Medical Response Course and instructor requirements. Section (v)

4. Added new course: Hazardous Materials/Weapons of Mass Destruction, First Responder Operations, Law Enforcement Field Support Course and instructor requirements. Section (ee)
5. Added new course: Hazardous Materials/Weapons of Mass Destruction: Terrorism for the Technician/Specialist Course and instructor requirements. Section (ff)

§ 2530 Instructor Certification Requirements:

Added all instructor requirements as noted in 2520 above

§ 2540 Administrative Procedures:

1. Added Medical Qualification form for students who will be trained with respiratory protective equipment. Section (k)
2. Added CSTI Injury and Accident Form to formalize the student accident or injury reporting process. Section (k)
3. Added course text and Plan of Instruction(s) for new courses as listed above

§ 2550 Administrative Form:

Added three forms

Deletions:

§2510 Definitions:

Deleted the majority of listed definitions as duplicative and inconsistent with the needs of this regulation. Added new terms consistent with this sections intent.

§ 2520 Student Certification Curriculum;

1. Deleted a variety of items from (n) that were not deleted when those items were moved to (m) in a previous regulation package filed with OAL.
2. Deleted Section (v) Hazardous Materials Emergency Response: Emergency Medical Response to Hazardous Materials Incidents: A Guide for First Responders, and replaced it with Hazardous Materials/Weapons of Mass Destruction: First Responder Operations, Emergency Medical Response Course. Due to the difference in objectives, it is more efficient to delete the old course rather than attempt to modify it.

§ 2530 Instructor Certification Requirements

1. Deleted old names. Sections (f) and (g)
2. Deleted a certification requirement under (f) to clarify the intended target teaching level.

§ 2540 Administrative Procedures

1. Deleted the course titles of courses that were changed or deleted.

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Comparable Federal Regulations/Statute

The program authorized by Government Code Section 8574.20 has no federal counterpart. There is no comparable federal regulation or statute.

Disclosures Regarding the Proposed Action

The OES has made the following determinations:

Mandate by federal law:	None
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Mandate on local agencies and school districts:	None
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Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630:	None
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Other non-discretionary cost or savings imposed upon local agencies:	None
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Cost or savings in federal funding to the state:	None
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Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.	None
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Adoption of these regulations will (1) neither create nor eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.	None
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Significant effect on housing costs:	None
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Effect on small business:	Yes
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Business reporting requirements:	None
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Cost or Savings to Any State Agency

Agencies conducting specific courses, such as Title 19 CCR Section 2520 (v), (w), (ee), and (ff), may incur additional costs. These agencies will be able to apply for/or use federal terrorism funds or absorb the additional costs into their existing budgets and resources. No additional costs or savings are incurred because the remainders of these regulatory changes are technical, non-substantive or clarify changes to the current law and regulations.

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Consideration of Alternatives

In accordance with Government Code Section 11346.5, subsection (a)(13), OES must determine that no reasonable alternative it considered or that has otherwise been identified and brought to OES' attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The OES invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the 45-day written comment period.

Potential Cost Impact on Private Persons or Directly Affected Businesses

This proposal would require individuals teaching certain courses to have on hand specific pieces of equipment. In the case of the HazMat/WMD Law Enforcement Field Support Course, the specific equipment required are items commonly found within a Law Enforcement agency or department, with few exceptions. These exceptions tend to be reusable for training and in many cases are already in the agency's stockpile. As part of the proposed new courses: "Assistant Safety Officer" and "Terrorism for Hazardous Materials Technicians/Specialists", private persons or affected businesses will be required to purchase, rent or borrow sufficient equipment to complete the course objectives. The agency makes every effort to supply instructors certified under these programs with all materials necessary to conduct training as per these regulations. These regulations contain minimal record-keeping requirements that impose no significant cost or burden.

Contact Person (s)

Please direct general or sustentative inquires concerning the proposed action to either Mr. Michael Brady or Mr. Mark Lodge.

Michael H. Brady
Chief, Hazardous Materials Section
California Specialized Training Institute
Governor's Office of Emergency Services
P.O. Box 8123
San Luis Obispo, CA 93403-8123
Telephone: (805) 549 - 3549

Please direct requests for copies of the proposed text of the regulations, initial statement of reasons, the modified text of the regulations, or other information upon which the rulemaking is based to Mr. Mark Lodge.

Mark Lodge
Regulations Coordinator
Hazardous Materials Section
California Specialized Training Institute

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Availability of Statement of Reasons and Text of Proposed Regulations

The OES will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address and on the internet at www.oes.ca.gov. Additional copies will be made available at convenient locations as needed. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the initial statement of reasons. You may obtain copies by contacting Mr. Mark Lodge at the address or phone number listed above.

Availability of Changed or Modified Text

The OES will have the entire rulemaking file, including the Final Statement of Reasons, available for inspection and copying at the conclusion of the rulemaking process at its office at the above address and on the internet at www.oes.ca.gov. The OES will mail copies of the Final Statement of Reasons to everyone who requested a copy of the proposal. You may obtain a copy by contacting Mr. Mark Lodge at the above address or phone number.

Internet Access

The OES will have the entire rulemaking file, including the Final Statement of Reasons, available for inspection and copying throughout the rulemaking process and at the conclusion of the rulemaking process on the internet at www.csti.ca.gov.

15 Day Availability of Changed or Modified Text

After the written comment period ends and following a public hearing (if requested), OES may adopt the regulations substantially as described in this Notice, without further notice. If OES makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public (including through the OES Website as described above) for at least 15 days before OES adopts the regulations, as modified. Inquires about and requests for written copies of any changed or modified regulations should be addressed to the agency contact person identified in the Notice.